

-FILED-

JUN 17 2020

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

At _____ M
ROBERT E. REYNOLDS Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA

v.

DINA AL-SBEIHI

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Cause No. **2 : 20 CR 059**

18 USC § 1341

INDICTMENT

THE GRAND JURY CHARGES:

At times material to this Indictment:

The Food, Drug and Cosmetic Act

1. The United States Food and Drug Administration (the "FDA") was the federal agency responsible for protecting the health and safety of the public by enforcing the federal Food, Drug, and Cosmetic Act ("FDCA"). Among the purposes of the FDCA was to ensure that medical products, including drugs, biologics and devices, sold for consumption by or administration to humans, or for other use by or on humans, were safe, effective, bore labeling containing only true and accurate information, and had adequate directions for use.

2. FDA-approved Juvederm and Restalyne were dermal fillers that were injected into the soft tissue to help fill facial wrinkles and to restore a smooth appearance to the face. Juvederm and Restalyne products were classified and regulated by the FDA as prescription medical devices.

The Scheme to Defraud

3. Beginning on or about July 2015 and continuing through on or about August 2019, in the Northern District of Indiana and elsewhere, DINA AL-SBEIHI knowingly and with intent to defraud, devised and executed a scheme to defraud that involved obtaining money and property by means of materially false and fraudulent pretenses, representations and concealments.

4. The purpose of the scheme was to divert in excess of \$260,000 from consumers by selling them counterfeit Juvederm and Restalyne products.

The Manner and Means Used to Carry Out the Scheme

5. It was part of the scheme that between July 2015 and August 2019, AL-SBEIHI purchased and imported into the United States counterfeit Juvederm and Restalyne dermal fillers from foreign manufacturers located in the People's Republic of China and elsewhere. The counterfeit products were packaged to appear to contain the same branding and labeling as authentic Juvederm and Restalyne devices. These foreign-made dermal fillers had not been approved by the FDA and, as a result, the safety and efficacy of the products were unknown.

6. It was part of the scheme that between July 2015 and August 2019, AL-SBEIHI owned and operated an online retail company named The Beauty Pharmacy. AL-SBEIHI sold foreign-made counterfeit Juvederm and Restalyne

products online to U.S. customers through her company's website and other online retail forums. AL-SBEIHI marketed the counterfeit products as authentic Juverderm and Restalyne devices, even though she knew them to be counterfeit, and otherwise misled customers that the counterfeit products were genuine.

7. It was part of the scheme that AL-SBEIHI used the United States Mails to ship the counterfeit Juvederm and Restalyne products to customers.

**COUNT ONE
(Mail Fraud)**

8. On or about August 4, 2018, in the Northern District of Indiana, and elsewhere, the defendant

DINA AL-SBEIHI

for purposes of executing the above-described scheme and artifice to defraud, and for obtaining money and property from individuals by means of materially false and fraudulent pretenses and representations, used and caused to be delivered by the United States Mails, two units of counterfeit product purporting to be Restalyne Lyft with Lidocaine.

In violation of Title 18, United States Code, Section 1341.

**COUNT TWO
(Mail Fraud)**

9. On or about February 12, 2019, in the Northern District of Indiana, and elsewhere, the defendant

DINA AL-SBEIHI

for purposes of executing the above-described scheme and artifice to defraud, and for obtaining money and property from individuals by means of materially false and fraudulent pretenses and representations, used and caused to be delivered by the United States Mails, one unit of counterfeit product purporting to be Restalyne Lyft with Lidocaine.

In violation of Title 18, United States Code, Section 1341.

**COUNT THREE
(Mail Fraud)**

10. On or about August 19, 2019, in the Northern District of Indiana, and elsewhere, the defendant

DINA AL-SBEIHI

for purposes of executing the above-described scheme and artifice to defraud, and for obtaining money and property from individuals by means of materially false and fraudulent pretenses and representations, used and caused to be delivered by the United States Mails, one unit of counterfeit product purporting to be Restalyne Lyft with Lidocaine.

In violation of Title 18, United States Code, Section 1341.

FORFEITURE ALLEGATIONS

1. The allegations contained in Counts 1 through 3 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C).

2. Upon conviction of the offenses in violation of Title 18, United States Code, Section 1341 set forth in Counts 1 through 3 of this Indictment, the defendant, DINA AL-SBEIHI, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violation(s).

3. The United States will also seek a forfeiture money judgment equal to the value of any property, real or personal, which constitutes or is derived from proceeds traceable to the offense(s).

4. If any of the property described above, as a result of any act or omission of the defendant[s]:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL:

/s/ Foreperson
FOREPERSON

THOMAS L. KIRSCH II
UNITED STATES ATTORNEY

By: /s/ Abizer Zanzi
Abizer Zanzi
Assistant United States Attorney
Northern District of Indiana